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TENNESSEE Laws, statutes, etc.

General School Laws

ENACTED BY THE

Fifty-Eighth General Assembly

1913

1. AN ACT authorizing County Boards of Education to consolidate schools, provide transportation, and to employ Supervisors.
2. Compulsory School Attendance Law.
3. Amendment to General Education Bill increasing State School Fund from 25 to 33⅓ per cent of gross revenues of State.
4. Uniform Examination and Certification of Teachers.

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NASHVILLE, TENNESSEE.

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GENERAL SCHOOL LAWS OF TENNESSEE.

Acts 1913. Chapter 4.

AN ACT to be entitled An Act to improve the public school system of the State by authorizing Boards of Education to consolidate schools, provide for the public transportation of pupils, and to employ Supervisors.

Consolidation of Schools authorized.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That whenever it shall appear to the County Board of Education or the County High School Board of Education in any county of the State that the efficiency of the public schools would be improved thereby, said Boards of Education shall have full power and are hereby granted authority to consolidate two or more schools.

Transportation of pupils authorized.

Sec. 2. *Be it further enacted,* That whenever by reason of such consolidation a sufficient number of children is situated too far away from such schools to attend without transportation, said Boards of Education are hereby authorized and empowered to make provision for the transportation of said pupils that reside too far away from said school to attend without transportation, and to pay for same out of the respective public school funds of the county in which such children reside.

Supervisors authorized.

Sec. 3. *Be it further enacted,* That said Boards of Education are hereby given authority to employ Supervisors of Schools, whose duties shall be to assist County Superintendents of Public Instruction in organization, gradation and supervision of the public schools of the county and the organization of industrial work; and to pay for same out of the respective school funds of the county. *Provided,* That such supervisors of schools shall be persons of known ability to supervise the work of other teachers and shall have the equivalent of a high school education.

Qualifications of Supervisors.

Provided, further, That Supervisors of Elementary Schools shall hold an elementary certificate of the First Grade, and Supervisors of High Schools shall hold a High School Certificate of the First Grade.

Sec. 4. *Be it further enacted,* That all laws or parts of laws in conflict with this Act be, and the same are, hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Acts 1913. Chapter 9.

AN ACT to regulate and require the attendance of school children upon schools in the State of Tennessee, and to provide means for the enforcement of this Act.

Attendance required in counties.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That every parent, guardian or other person, in the State of Tennessee, having charge or control of any child between the ages of eight and fourteen years, inclusive, shall cause such child to be enrolled in and attend some day school, public, private or parochial, for eighty consecutive days, or when the school term is less than eighty days in length for the full term, in each year in the county or city in which said child may reside.

Cities.

Provided, That in cities maintaining a separate school system which have a scholastic population of five thousand or over by the State school census of 1912, or any subsequent State school census, any parent, guardian or other person, having charge or control of any child between the ages of eight and fourteen, inclusive, shall cause such child to attend school for the full school term.

Provided, further, That any parent, guardian or other person, having charge or control of any child between the ages of fourteen and sixteen years who is not actively and regularly and lawfully engaged in some useful employment or service, or who is unable to read and write, shall cause such child to attend school as herein provided for children between the ages of eight and fourteen years.

Exemptions.

Sec. 2. *Be it further enacted*, That any child between the ages aforesaid may be excused temporarily from complying with the provisions of this Act, in whole or in part, if it be shown to a court of competent jurisdiction or a County or City Board of Education having control of the school to which said child belongs, that said parent or guardian or person having charge or control of said child is not able, through extreme destitution, to provide proper clothing for said child; or that said child is mentally or physically incapacitated to attend school for the whole period required

or any part thereof; or that the school to which the said child belongs is more than two miles by the nearest traveled road from the residence of the child, and public transportation to and from school is not provided; or that said child has completed an elementary school course, including eight grades, and has certificate to that effect from the principal of the school attended. If any child is unable to attend school as hereinbefore required by not being able to procure books, on satisfactory proof of the same, the County or City Board of Education having charge of the school to which said child belongs, shall purchase said books out of the general school fund of the city or county and lend to said child under regulations prescribed by the State Board of Education.

Provisions for indigent children

If it is ascertained by any City or County Board of Education that any child, who is required under the provision of this Act to attend a school under the control of the said County or City Board of Education, is unable to do so on account of lack of clothing or food, such case shall be reported to any suitable relief agency of said county or city, or if there be no such suitable relief agency to whom the case can be referred, it shall be reported to the proper Commissioners of the Poor or other officials having change of such work, for investigation and relief.

Penalty for evasion.

SEC. 3. *Be it further enacted*, That any parent, guardian or other person, having charge or control of any child embraced within the provisions of this Act who, with intent to evade the provisions of this Act, shall make a false statement concerning the age of such child, or the time that such child has attended school, shall be deemed guilty of misdemeanor and, upon conviction thereof, shall be fined in any case not less than Two Dollars or more than Fifty Dollars, at the discretion of the Court.

Penalty for failure to comply.

Any parent, guardian or other person, failing to comply with the provisions of this Act, shall be deemed guilty of misdemeanor and, upon conviction thereof, shall pay a fine of not less than Two Dollars nor more than Twenty Dollars for the first offense, and not less than Five Dollars nor more than Fifty Dollars for the second and every subsequent offense, and the cost of the suit.

Remission officers.

Provided, That such fine may be suspended and finally remitted by the Court trying the case with or without payment of cost at the discretion of the Court, if the said child be immediately placed in regular attendance in some day school as aforesaid, and if such fact of regular attendance is proven subsequently to the satisfaction of said Court by an attested certificate of attendance by the superintendent or teacher of said school.

Any parent, guardian or other person having charge or control of any child embraced within the provisions of this Act, who shall be proceeded against under this Act, may prove in defense that he is unable to compel the child under his control to attend school, and he may thereupon be discharged from liability, and such child shall be proceeded against as a delinquent child under the statutes in such cases provided.

Jurisdiction.

SEC. 4. *Be it further enacted*, That the County Judge or Chairman of the County Courts of the several counties of this State shall have original and exclusive jurisdiction of all cases coming within the provisions of this act.

Provided, That in all cities maintaining a separate system of schools the City Recorder or Judge of said City shall be vested with all rights and powers to try and dispose of such cases coming with his jurisdiction. *Provided, further*, that any party aggrieved may appeal to the Circuit Court from the action of the County Judge.

Fines to go to school fund.

SEC. 5. *Be it further enacted*, That all fines and penalties provided in this Act shall be for the use of the public schools of the county or city in which such child resides. Any such fine or penalty may be recovered by rule or in any way that a court of equity enforces its orders or decrees.

Duty of superintendents

SEC. 6. *Be it further enacted*, That it shall be the duty of the County or City Superintendent to furnish to teachers, or in schools having more than one teacher to principals, or cause to be furnished through any duly elected attendance officer, as hereinafter provided, the names of pupils depending on their schools for instruction, the said lists to be taken from the census enumeration on file in the office

of the Superintendent. It shall be the duty of said teachers and principals to report promptly and regularly to the County or City Board of Education through the County or City Superintendent of Schools, the names of all parents, guardians or other persons, who fail to comply with the provisions of this Act.

Duty of Board of Education.

It shall then be the duty of the Board of Education, through the County or City Superintendent or through any duly elected attendance officer, to give written notice to parent, guardian or other person, having charge and control of such child that the attendance of such child at school is required; and if said parent, guardian or other person, does not comply immediately with the provisions of this Act, said County or City Superintendent of Schools, or said duly elected attendance officer shall proceed against such child as a delinquent child and against such parent, guardian or other person, for violation of this act.

Attendance officers.

SEC. 7. *Be it further enacted*, That in every city maintaining a separate school system having a scholastic population of 5,000 or more by the State school census of 1912, or any subsequent State school census, the Board of Education of said city shall elect one or more attendance officers to enforce the provisions of this Act.

In every city maintaining a separate system having a scholastic population of less than 5,000 by the State school census of 1912 or any subsequent State school census, and in every county, the Board of Education of said city or county shall have authority to elect one or more attendance officers to enforce the provisions of this Act; *provided*, that not more than one attendance officer shall be elected for every 5,000 school children residing in any city or county; *provided, further*, that every city having a separate system of schools and every county may appoint one such attendance officer.

Qualification of attendance officers.

Such attendance officers shall be residents of the county or city in which they are elected. They must be of good moral character and must be able to read and write with ease. Before they shall be eligible for election all applicants for position as attendance officer shall present certificate

from City or County Superintendent that they meet the requirements herein provided. Said attendance officer shall be paid not less than $1.00 nor more than $3.00 per day during such period of time as they may be employed by the School Board, and said payment shall be made out of the public school funds of said city or county. Said attendance officers shall serve written or printed notices upon the parents or guardian, or other person having charge and control of any child as aforesaid who violates the provisions of this Act, and shall, when reasonable doubt exists as to the age of any child, require a properly attested birth certificate; and shall have the right to visit and enter any office or factory or business house employing children as aforesaid, and the right to require a properly attested certificate of attendance of any child at a day school, and power to arrest, without warrant, all truants as aforesaid and place them in some public school, unless the parent, guardian or person having charge or control of said child shall at once place them in some other day school as aforesaid; such attendance officers shall serve the legal notices and subpoenas of the Court without further fee or compensation than that paid by the Board of Education as aforesaid, and he shall carry into effect such other regulations as may lawfully be required by the Board electing him.

Truancy school.

SEC. 8. *Be it further enacted*, That the Board of Education having charge of the public schools of any city or county having a population of 10,000 or more by the Federal Census of 1910, or any subsequent Federal Census, may establish a truancy school, either within or without their city or county limits for children who are between the ages of eight and sixteen years, and who are habitual truants from any day school in which they are enrolled as pupils, or while in attendance at school are incorrigible, vicious, or immoral, or who habitually wander or loiter about the woods or public places without lawful employment and such children may be deemed disorderly juvenile persons, and may be, by said School Board, through its officers assigned to, and required and compelled to attend

such truancy school or any department of the graded school, as such School Board may direct.

SEC. 9. *Be it further enacted*, That all laws or parts of laws in conflict with this Act, be and the same are, hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed February 18, 1913.

Acts 1913. Chapter 23.

AN ACT to amend Chapter 264 of the Acts of 1909, passed April 20, 1909, and approved April 27, 1909, by providing for an increase in the General Education Fund provided in said Act, and setting forth the basis for apportioning certain parts of said fund.

General education fund increased from 25 to 33⅓ per cent of gross revenues of State.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 264 of the Acts of 1909, passed April 20, 1909, and approved April 27, 1909, entitled "An Act to provide for the improvement of the system of Public Education of the State of Tennessee—that is to say, to establish a General Education Fund by appropriating thereto annually twenty-five per cent of the gross revenues of the State; to provide for the apportionment of this fund and specifying what part shall be apportioned to the several counties of the State on the basis of scholastic population; what part shall be used to equalize more nearly the school facilities of the several counties, and the conditions on which this part shall be apportioned; what sum shall be used to assist in paying salaries of County Superintendents, and on what conditions; what part shall be used to encourage and assist in the establishment and maintenance of public county high schools, and on what conditions; and providing for the grading and inspection of high schools; what part shall be used for the establishment and maintenance of school libraries and on what conditions; what part shall be used for the establishment and maintenance of three Normal Schools for white teachers, one in each Grand Division of the State, and one Agricultural and Industrial Normal School for negroes and providing for the location, establishment, and control of said schools; and what part shall be apportioned to the University of Tennessee and its various stations; and to repeal Chapter 537 of the Acts of 1907" be, and the same is, hereby amended, by striking out the words "twenty-five per cent" wherever they occur in said Act and substituting in lieu thereof the words "thirty-three and one-third per cent."

SEC. 2. *Be it further enacted*, That Section 3 of said Chapter of said Act be amended so as to read as follows:

Purposes of 10 per cent fund.

That ten per cent of the General Education Fund provided by this Act shall be and the same is hereby set aside as a special fund to be used and expended for the purpose of more nearly equalizing the common schools in the several counties of the State; also for the purpose of encouraging the introduction of industrial work, including agriculture, home economics, manual training and kindred subjects in county elementary schools and providing for the adequate supervision of the same; also for encouraging the establishment of consolidated schools where practicable with provisions for transportation facilities where necessary; the same to be distributed among the various counties by the State Board of Education in accordance with provisions herein set forth.

Conditions on which counties share.

Provided, That before any county shall be eligible to receive any portion of this 10 per cent of the General Education Fund provided by this Act, it shall levy for public schools, including the school tax levied by the State, and excluding taxes for public high schools, a tax of not less than 40 cents on the $100.00 of taxable property, a tax of $2.00 on each taxable poll, and all the privilege taxes which the laws of the State permit counties to levy for school purposes.

State aid for supervisors.

Provided further, That in any county where a supervising teacher or a supervisor of any number of elementary schools, or a supervisor of industrial work in county elementary schools is elected by the County Board of Education and funds are provided in said county to pay said supervisor, the State Board of Education shall be authorized to supplement the same by an amount not exceeding what is paid by the County Board of Education; *provided*, that said supervisors shall be approved by the State Superintendent of Public Instruction; and *provided, further*, that two such payments by the State to one county shall not be allowed until one payment is made in every county complying with the requirements and making application

within any one year; the time for applying for State help to be fixed by the State Board of Education.

State aid for consolidation and transportation.

Provided, further, That when any County Board of Education shall establish a consolidated school with as many as three or more teachers and provision is made for transporting the pupils dependent upon such school for educational facilities who reside further than two and one-half miles therefrom, the State Board of Education may assist said school by appropriating to its maintenance a reasonable amount out of the funds provided by this Section of this Act; *provided*, the building and equipment of said school shall measure up to the standard set by State Board of Education; and *provided, further*, that not more than one school in any county shall be thus aided in any one year until at least one school in every county making application in that year shall have been aided; and provided that the time for making such application for State aid shall be fixed by the State Board of Education.

Equalizing fund.

Provided, further, That any portion of the ten per cent of the General Education Fund provided by this Act and this Section of this Act not otherwise disposed of in any year shall be used to equalize the Common Schools in the various counties, and shall be distributed by the State Board of Education among the counties according to their educational needs, as determined by reliable data filed in the office of the State Superintendent of Public Instruction.

State aid for industrial work in high schools.

SEC. 3. *Be it further enacted*, That Section 5, of said Chapter of said Act be amended by striking out the last part of said Section 5 beginning with the words "shall revert," and substituting therefor the following words: "shall be used under the direction of the State Board of Education for the purpose of stimulating and encouraging the establishment and maintenance of departments of industrial work, including agriculture, home economics, manual training and kindred subjects, and also for the purpose of equalizing the high schools of the various counties; *provided*, that if in any county levying a tax for high school purposes at the highest rate permitted by law for that purpose, the proceeds of said levy do not amount

to as much as Two Thousand ($2,000.00) Dollars in any year, the State Board of Education shall apportion to the high school fund of said County out of the State high school fund provided in Section 5, Chapter 264, Acts of 1909, the amount necessary to make a high school fund of Two Thousand ($2,000.00) Dollars for said County for said year."

Library aid.

SEC. 4. *Be it further enacted*, That the first, second and third paragraphs of Section 6 be amended to read as follows:

That one per cent of the General Education Fund provided by this Act shall be used to encourage and assist in the establishment and maintenance of libraries in the public schools as herein provided.

Whenever the patrons and friends of any public school in any county in the State shall raise by private subscription or otherwise, and tender to the County Trustee through the County Superintendent of Public Instruction, the sum of Ten Dollars or more for the establishment and maintenance of a library for that school, or for supplementing, a library already established, said County Superintendent shall notify the State Superintendent of Public Instruction, and upon the certificate of the State Superintendent of Public Instruction the Comptroller of the Treasury shall pay to the Trustee of said County out of the fund herein provided a sum equal to that raised by private subscription or otherwise to be added to the library fund of said school.

Provided, that the State will appropriate not more than Forty Dollars for this purpose to any one school during a single year.

Provided, further, that the State Board of Education shall have the power, and the same is hereby authorized to employ a Director of Library Extension at a salary of not exceeding fifteen hundred dollars a year with necessary traveling expenses as fixed by the State Board of Education, all to be paid out of the library fund as herein provided.

Director of library extension.

The said Director of Library Extension shall have an office in the office of the State Superintendent of Public Instruction and shall work under his general supervision. It shall be the duty of the Director of Library Extension to encourage and stimulate the establishment of libraries, especially in public schools; to prepare selected lists of books adopted to the needs of various schools from the list approved by the State Board of Education; to render such assistance as the State Board of Education may require in the preparation of general school library lists; to visit teachers' institutes and other educational and community meetings in the interest of library extension and for the purpose of giving instruction in the selection, care and use of libraries, to assist the State Superintendent of Public Instruction in preparing Reading Circle Courses for public school teachers and pupils; and to perform such additional duties as the State Board of Education may prescribe.

Circulating libraries.

That the last paragraph of Section 6 of Chapter 264 of the Acts of 1909 be amended so as to read; One-fifth of the amount accruing annually for libraries under the provisions of this Act shall be used for the purchase and maintenance of circulating libraries under the direction of the State Library.

SEC. 5. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

ACTS 1913. CHAPTER 40.

AN ACT entitled An Act to define the qualifications and duties of Public School Teachers; to provide a uniform method for the examination and certification of teachers; to provide for the Issuance of teachers' certificates of different grades, and for the revocation of certificates; and to fix penalties for the violation of the provisions of this Act.

Certificates required.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That no person shall be employed to teach in any public elementary or high school of the State or receive pay for teaching out of the public school funds of any county until he has received a certificate as prescribed in this Act. No such payment shall be allowed if made, and any officer who shall make or sanction the same shall be subject to a penalty of not less then Five ($5.00) Dollars nor more than Fifty ($50.00) Dollars, to be paid into the public school fund of the county in which collected.

Age.

No person under eighteen years of age shall receive a certificate to teach in the public schools of this State, and no person under twenty years of age shall receive pay out of the public school funds as the principal of any school having more than one teacher.

Qualifications of teachers.

No person shall receive a certificate to teach in the public schools of this State unless he has a good moral character, and under no circumstances shall certificates be granted to persons addicted to the use of intoxicants, opiates or cigarettes. All persons who appear before the local examining committee of any county or the State Board of Examiners for teachers' certificates, as hereinafter provided, must satisfy the local examining committee or the State Board of Examiners that they meet the requirements of this Act as regards age and moral character before being allowed to proceed with the examination; and the local examining committee or State Board of Examiners may require proof as to age and testimonials as to character.

No person shall teach in any public school of this State who has any contagious or communicable disease in such form as that the health of children would be endangered

by his presence in the school room with them; and any County Board of Education or City Board of Education may require a teacher to submit to an examination by a competent physician at any time when there is reason to believe that the teacher has any disease of this kind; and any Board of Education may require from any teacher asking to be employed in any public school under its direct control a certificate of health signed by a competent physician.

Records required.

SEC. 2. *Be it further enacted*, That every teacher in the public schools of the State shall keep a daily record of facts pertaining to his school in such form as is required by the State Superintendent of Public Instruction and as indicated in the school register furnished the teacher for that purpose, and the teacher shall be responsible for the safe keeping and delivery of the same to the County Superintendent of Public Instruction at the close of the school term or at the close of his services.

Contracts necessary.

SEC. 3. *Be it further enacted*, That written contracts for the school year shall be made between the County Boards of Education and the public school teachers at fixed rates per month before they enter upon their duties. These contracts shall be in such form as may be furnished by the State Superintendent of Public Instruction, and every contract shall be signed in duplicate in ink, each party holding a copy. Failure to comply with the provisions of this section of this Act shall subject either or both parties to a fine of Twenty-five Dollars.

SEC. 4. *Be it further enacted*, That any principal teacher of a public school may, for good and sufficient reasons, suspend a pupil from attendance on his school until the case is decided by the County Board of Education, which shall be with as little delay as possible.

Provided, that a report of every suspension shall be made at once, through the County Superintendent, to the County Board of Education.

Institute attendance.

SEC. 5. *Be it further enacted*, That it shall be the duty of all teachers in any county of this State to attend the full

term of any county institute held for teachers of his race in that county under provisions made by the State and County Superintendents of Public Instruction; but, in lieu of attendance upon the institute in his county, a teacher may attend a similar institute in any other county in the State in the same year, or take regular work in a summer session of one of the State Normal Schools or any regularly organized summer school of good standing.

State superintendent to issue all Certificates.

SEC. 6. *Be it further enacted*, That after the first day of July, 1914, the requirements for certificates to teach in the public schools of this State shall be uniform in all the counties. Every certificate shall be issued by the State Superintendent of Public Instruction in accordance with regulations hereafter prescribed.

Examinations required.

Except as hereinafter provided, every person receiving a certificate to teach in the public elementary schools of the State shall have passed a satisfactory examination in the subjects prescribed to be taught in the elementary schools and in the principles and practice of teaching and school management; and every person receiving a certificate to teach in the public high schools of the State shall have passed a satisfactory examination in the history of secondary education, principles and practice of teaching and school management, with special reference to high school work, English language and literature, and other subjects named on the certificate issued to him.

The standards for examinations and the grade of scholarship required for certificates shall be determined by the State Superintendent of Public Instruction and in accordance with the provisions of this Act.

Grades of certificates.

Certificates shall be designated and graded as elementary certificates of the first or second grade or high school certificates of the first or second grade. A first grade certificate shall be valid for a period of five years from date of issue, a second grade certificate for a period of two years. Certificates granted on examinations taken in the various counties, under the supervision of the local examining committee as hereinafter provided, shall be good only in the county in which the examinations are taken. Certifi-

cates granted on examinations taken at special places, under the supervision of the State Board of Examiners, as hereinafter provided, shall be good in any county in the State.

First grade.

To obtain a first grade certificate the applicant must be at least nineteen years of age and must have had at least eight months successful teaching experience, and must make an average of 85 per cent on the subjects prescribed for examination and must not fall below 70 per cent on any subject. An applicant who makes a first grade average as required, but who has not the requisite teaching experience, will be granted a second grade certificate which may be changed to a first grade certificate after eight months successful teaching.

Temporary certificates.

In case there are not enough teachers with certificates applying for the schools in any county, the State Superintendent of Public Instruction may issue a temporary certificate to a sufficient number of those persons who stood the examination in that county and are most nearly qualified, as shown by any regular examination in which they may have participated, which certificate shall be good only in said county; or he may order a special examination for that purpose. But no certificate thus issued shall be valid longer than the time for the next examination, and no such certificate shall be issued to the same person more than twice.

Professional certificates.

Professional certificates shall be issued by the State Superintendent of Public Instruction as follows:

1. An elementary certificate of the first grade to the applicant who has completed the academic course of the State Normal Schools.

2. A certificate good in all schools, except high schools of the first class, to the applicant who has completed the normal course of the State Normal Schools.

3. A high school certificate of the first grade to the applicant who is a graduate of the State University who has completed any six half-year courses offered by the University in psychology, history of education, principles of teaching and school management, not less than two of which shall have special reference to high school work.

4. In accordance with such uniform rule and regulations as may be adopted by the State Board of Education, the State Superintendent of Public Instruction may issue certificates without examination to graduates of other institutions of learning whose standards of admission and requirements for graduation are not lower than those of the State Normal Schools and the State University.

Provided, That said standards and requirements shall first have been carefully examined by the said Superintendent and Board; and,

Provided, further, That the requirements with which the graduates of said institutions are licensed shall not be lower than those made for the graduates of the State Normal Schools and the State University of this State.

All certificates granted by the State Superintendent of Public Instruction on diplomas or degrees from institutions of learning shall be good in any county of the State.

All certificates outstanding at the time this Act takes effect shall be valid for the times and purposes for which they were issued if not revoked by the State Superintendent of Public Instruction.

Revocation of certificates.

The State Superintendent of Public Instruction may revoke the certificate of any teacher who shall be guilty of immoral conduct, upon sufficient evidence of the same furnished by the County Superintendent of the county in which the holder is teaching.

Permanent certificates.

The State Superintendent of Public Instruction shall, with the help of the State Board of Examiners as hereinafter provided, prepare and announce courses of study for persons holding the elementary certificate of the first grade and for persons holding the high school certificate of the first grade, such courses to cover the principal subjects named in the certificates; and any such person who completes either of these courses and passes the required examination upon the subjects contained in it shall be granted a permanent certificate of the same class and grade; but permanent certificates shall be revoked if the holders shall discontinue school work for more than three successive years, and if they fail to attend institutes and do the work

of the Reading Circle, or meet other requirements as prescribed by the State Superintendent of Public Instruction and the State Board of Education.

State board of examiners.

SEC. 7. *Be it further enacted*, That the State Board of Education and the State Superintendent of Public instruction, are hereby constituted a Board of Examiners, of which the State Superintendent of Public Instruction shall be chairman, for the purpose of preparing questions, conducting examinations and otherwise assisting the State Superintendent of Public Instruction and the State Board of Education in carrying out the provisions of this Act; and they shall, upon the call of the State Superintendent of Public Instruction, meet for this purpose at such times and places as he may designate. The necessary expenses of the Examiners incurred in attending such meetings and in performing any other duties required of them by this Act shall be paid out of the examination fund to be made up of the examination fees as hereinafter provided. The State Board of Examiners herein provided, shall have the power and authority to secure the assistance of the Normal School Presidents, State High School Inspector, Elementary School Inspector, and all other employees of said Board in conducting said examinations without any extra pay or compensation for said services.

On the recommendation of the Examiners, the State Superintendent may employ, at such reasonable wages as the Examiners shall fix, competent persons to grade examination papers and such other assistants as may be necessary to enable him to carry out the provisions of this Act, all such wages to be paid out of the examination fund in the manner herein provided.

Local examinations.

Examinations shall be held at the county seat of each county in some suitable room or rooms, to be designated by the local examining committee on dates prescribed by the State Superintendent of Public Instruction. The County Superintendent of Public Instruction, the Chairman of the County Board of Education and one other person, to be selected by the State Superintendent of Public Instruction, shall constitute the local examining

committee of each county. For service on examining committees County Superintendents shall receive no pay in addition to their regular salary; the Chairman of the County Board of Education shall receive his per diem and expenses as for other services, and the third members shall be paid at the same rate; all payments to be made out of the school fund of the county as other incidental expenses are paid.

State examinations.

On the same dates examinations shall be held at such other places in the State as may be designated by the State Superintendent of Public Instruction, under the supervision of the State Board of Examiners, and on such dates as may be named by the State Superintendent of Public Instruction. No fewer than two places shall be selected in each Grand Division, and the questions shall be uniform in all examinations.

Rules of examination.

In conducting the examination the local examining committee and the State Board of Examiners shall comply with the provisions of this Act and the rules and regulations of the State Superintendent of Public Instruction and the State Board of Education; and after each examination and upon completion of the duties connected therewith, the members of the local examining committee and the representatives of the State Board of Examiners supervising said examination shall make oath or affidavit before a Notary Public or other person authorized to administer oath, that they have conducted the examination in accordance with said law and rules and regulations, and said oath or affidavit shall be forwarded at once to the State Superintendent of Public Instruction, with the examination papers of all applicants.

Penalty for giving information as to examinations.

Any County Superintendent, member of examining committee, printer, officers of State or county, or any other person who shall sell, barter, give or furnish or procure to be sold, bartered, given or furnished to any applicant for a certificate to teach in the public schools, or to any person, any question or questions prepared or sent out by the State Board of Examiners for the examination of persons applying for such certificates, or in any way dispose of such question

or questions except in the manner provided by law and the regulations of the State Superintendent of Public Instruction, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $100.00, and may be imprisoned, at the discretion of the Court.

Fees.

Before entering upon the examination, every applicant for an elementary school license shall pay to the Trustee of the County a fee of Two and One-half ($2.50) Dollars, and every applicant for a high school license shall pay a fee of Three and One-half ($3.50) Dollars. *Provided*, That one-half of these fees in each county be held in said county for the support of the County Institute and the Trustee shall give a receipt for the same, which receipt shall be presented to the examining committee before the examination is begun. The County Trustee shall forward to the State Superintendent of Public Instruction a voucher for all moneys received in examination fees, less his commission of two per cent, and a correct statement showing the amount of each fee and the name and postoffice address of the person paying the same.

Any applicant for license who presents a diploma or certificate or other credential in lieu of examination shall pay to the State Superintendent of Public Instruction a fee of Two and One-half Dollars; all fees thus received by the State Superintendent of Public Instruction shall be deposited as other examination fees with the Comptroller of the Treasury.

Deposit of fees.

The State Superintendent of Public Instruction shall endorse all such vouchers and deposit them with the Comptroller of the Treasury, to be collected and held as a special fund, out of which all expenses of the examination shall be paid. Vouchers for such expenses shall be drawn on this fund in the same manner as vouchers are drawn on the school fund for the expenses of the State Board of Education, and separate accountings of the same shall be made and published by the State Superintendent of Public Instruction in his report and by the Comptroller and Treasurer in their reports.

Any portion of this examination fund remaining after all the expenses of examinations of any year have been paid, may, with the consent of the State Board of Education, be used by the State Superintendent of Public Instruction for awards to encourage teachers, pupils and school officers to make improvements in their schools in any way he may designate.

Cities included.

SEC. 8. *Be it further enacted*, That the provisions of this Act shall apply to all public school teachers in the State except those employed by Boards of Education in cities having a population of more than 7,500 by the Federal census of 1910, or any subsequent Federal census.

SEC. 9. *Be it further enacted*, That all fines or penalties that may be collected under this Act shall go into the public school fund of the county or city in which collected.

SEC. 10. *Be it further enacted*, That all laws or parts of laws in conflict with this Act be, and the same are, hereby repealed, and, except as otherwise provided, this Act take effect from and after its passage, the public welfare requiring it.

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